IN RE: PETITION FOR ZONING VARIANCE ' N/S Martin Road, 160 ft. E ZONING COMMISSIONER of c/l Renfrew Street 960 Martin Road * OF BALTIMORE COUNTY 15th Election District 5th Councilmanic * Case No. 92-216-A Arthur R. Dickerson, Jr. Petitioner

> * * * * * * * * * * * FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner herein seeks a variance from Sections 101 and 400.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an accessory structure (garage) larger than the principal dwelling, and to be 24 ft. in height, in lieu of the required maximum 15 ft., all as more particularly shown on Petitioner's Exhibit No. 1, the plat to accompany the Petition.

The Petitioner/property owner, Arthur R. Dickerson, Jr., appeared and testified at at the hearing. There were no other interested parties or Protestants present.

The Petitioner proposes to construct a 30 imes 50 ft. garage in the rear of his lot, as shown on the site plan. The proposed garage will be 24 ft. high, thus the need for the variance from Section 400.3 of the B.C.Z.R.

The Petitioner testified that the need for this garage was to satisfy Storage requirements. The Petitioner testified that he owns a collector automobile and a classic boat which are presently stored in the rear The Petitioner proposes to store both of these vehicles within the garage to eliminate their exposure to the elements. The dimensions and height of the garage are needed to accommodate these vehicles and to provide other storage space. The Petitioner testified that the existing dwelling on site is insufficient to store many household items and that a

second floor will be built on the garage to accommodate that purpose. The Petitioner testified that he understood that the garage could not be used to house an apartment and would be willing to accept a restriction to eliminate that possibility.

sions of the garage.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical

unnecessarily burdensome;

observed and public safety and welfare secured.

The Petitioner also acknowledged that he owns a machine business, however, he indicated that no commercial activity would occur on site. He emphasized that the need for the garage was strictly to accommodate his storage requirements and that no commercial/business activity would occur therein. He also noted that, although he had contacted the Department of Environmental Protection and Resource Management, he had not, as yet, received a determination as to whether the property is within the Chesapeake Bay Critical Area. If so, he will comply with any conditions required by that department. Lastly, he indicated that his neighbors support his request and that they have given him suggestions as to the location of the building, the materials needed for construction, and the proposed dimen-

', difficulty for an area variance, the Petitioner must meet the following:

1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance

2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and

 whether relief can be granted in such fashion that the spirit of the ordinance will be

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

It is clear from the testimony that if the variance is granted, such use as proposed would not be contrary to the spirit of the B.C.Z.R. and would not result in substantial detriment to the public good.

After due consideration of the testimony and evidence presented, it is clear that a practical difficulty or unreasonable hardship would result if the variance was not granted. It has been established that the requirements from which the Petitioner seeks relief would unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the variance requested will not be detrimental to the public health, safety and general welfare.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 6 day of telumny, 1992 that the Petition for Zoning Variance from Sections 101 and 400.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an accessory structure (garage) larger than the principal dwelling, and to be 24 ft. in height in lieu of the required maximum 15 ft., in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

> The Petitioner may apply for his building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.

-3-

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows:

That the information herein given is within the personal knowledge of the Affiant(s) and Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) does/do presently reside at 960 Martin Rd. Balto., Md. 21221

That based upon personal knowledge, the following are the facts upon which I/we base the request for a Residential Zoning Variance at the above address: (indicate hardship or practical difficulty) 1. Need for additional storage for collector vehicles and classic boat. 2. Need for additional storage due to limited space in house. 3. Need for protection against increased theft, vandalism, and maliscious

destruction, experienced over last 7 years That Affiant(s) acknowledge(s) that if protest is filed, Affiant(s) will be required to pay a reposting and advertising fee and may be required to provide additional information.

Clettus K. Ducherson

AFFIANT (Handwritten Signature)

APFIANT (Printed Name)

oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her/their knowledge and helief.

My Commission Expires: 10/1/5/-

PETITION FOR RESIDENTIAL VARIANCE 92-214 -A

TO THE ZONING CONMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, petition for a Variance from Section _____

101 and 400.3 to permit an accessory structure (garage) larger than the principal is duelling with a 24 height in lieu of the

maximum 15. of the Zoning Regulations of Baltracre County, to the Zoning Law of Baltimore County, for the following reason: 1. Need for additional storage for collector vehicles and classic boat. 2. Need for additional storage due to limited storage space in house.

Addition of second floor onto house is estimated at 90% of cost of garage and will only provide 60% of proposed second floor garage storage. 3. Need for protection against increased theft, vandalism, and maliscious destruction, experienced over the last 7 years.

Property is to be advertised and/or posted as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of the above Variance posting and, if necessary, advertising, upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Attorney ^f s telephone number	Name	- Ohene
·	Same as above	
Address	Name, address and phone number of legal owner, contract purchaser or representative to be contacted.	
Signature	·	
·	City/State/Zip Code	
(Type or Print Name)	Address Balto., Md. 21221	Phone
Attorney for Petitioner:	960 Martin Rd.	301-391-5815
City/State/2ip Code	Signature	301-686-8932
Addense	(Type or Print Name)	
Signature	<u>-</u>	
Type or Print Hame)	Otthur R. Licke	resemble.
me as legal owner	There or Deint Name	
Contract Purchaser:	Legal Owner(s): Arthur R. Dickerson	. Jr.
	owner(s) of the property this Petition.	which is the subject of

petition be posted on the property on or before the _____ day of _

ZONING COPPLISSIONER OF BALTIPONE COUNTY

I/We do solemnly declare and affirm, under the

penalties of perjury, that I/we are the legal

A PUBLIC HEARING HAVING BEEN REQUESTED AND/OR FOUND TO BE REQUIRED, IT IS FURTHER ORDERED by the Zoning Commissioner of Baltimore County, this _____ day of _____, 19___, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throught that the public hearing be had before the Zoning Commissioner of Beltimore County

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit: I HEREBY CERTIFY, this _____ day of ______, 19____, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s), and made AS WITNESS my hand and Notarial Seal.

Beginning on the north side of Martin Road, fifty feet wide, at the distance of 160 feet east of the centerline of Renfrew Street. Being Lot 30 of the Martindale subdivision, Plat Book 14, Folio 51. Also known as 960 Martin Road containing. 316 of an acre in the 15th Election District.

2. Compliance with the Department of

of their review of this matter.

kitchen or bathroom facilities.

occur there within.

this Order.

Environmental Protection and Resource Management recommendations to be submitted upon completion

3. The Petitioner shall not allow or cause the

accessory structure to be converted to a second

contain no living or sleeping quarters, and no

4. The Petitioner shall use the proposed

dwelling unit and/or apartment. The garage shall

accessory structure (garage) solely for storage

business activity associated with his business to

purposes and will not permit any commercial/

5. Upon request and reasonable notice, the

Petitioner shall permit a representative of the

Zoning Enforcement Division to make an inspection

of the subject property to insure compliance with

Zoning Commissioner for Baltimore County

Suite 113 Courthouse 400 Washington Avenue Towson, MD 21204

Mr. Arthur R. Dickerson, Jr.

960 Martin Road Baltimore, Maryland 21221 RE: Petition for Zoning Variance

Case No. 92-216-A Dear Mr. Dickerson:

Enclosed please find the decision rendered in the above captioned case. The Petition for Zoning Variance has been granted, in accordance with the attached Order.

Jallimore County Government

Zoning Commissioner

Office of Planning and Zoning

February 4, 1992

(410) 887-4386

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3391.

Zoning Commissioner

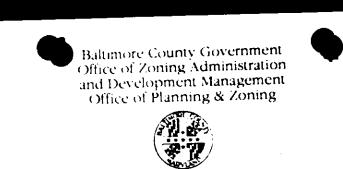
LES:mmn

CERTIFICATE OF POSTING ZONNIO DEPARTMENT OF BALTIMORE COUNTY 92-216-1

strict 1321	Date of Posting 11/30/91
Prtiur P. Pick	2304 77
estion of property NA Na, A	in RS. 160 E Ranfrow 5
966 Martin N'S	Fin Rd gaper 20 Fr. von d way
on jou pasty of Patition	gra
marks:	Date of return: 12/4/91
osted by	Date of return:

CERTIFICATE OF POSTING MIND DEPARTMENT OF BALTIMORE COUNTY 92-2/6-4 Tourse, Maryland
--

1	Date of Posting 1/1/92
Posted for: Variania	
Posted for: Athur K. Dio	Kontana
Petitioner:	RA 160' E/Marten St.
Location of property	Ra 160' E/Marken St.
960 Mar Tim Rd.	De offer 20 for foreway, on prose by
focation of Signature	
of 121 13191	
Remarks:	Date of return: 1/17/92
Posted by Milister	
Rumber of Signe:	



S891 8 0 MAL

111 West Chesapeake Avenue

Towson, MD 2120+

NOTICE OF HEARING

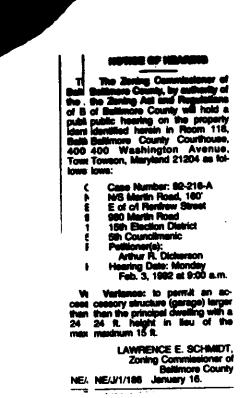
The Coming Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Talkington County will hold a public hearing on the property identified herein in Room 118, Baltimore County Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 92-216-A N/S Martin Road, 160' E of c/l kenfrew Street 960 Martin Road 15th Flection District - 5th Councilmanic Petitioner(s): Arthur R. Dickerson HEARING: MONDAY, FEBRUARY 3, 1992 at 9:00 a.m.

Variance to permit an accessory structure (garage) larger than the principal dwelling with a 24 ft. height in lieu of the maximum 15 ft.

Zoning Commissioner of Raltimore County

cc: Arthur R. Dickerson, Jr.



CERTIFICATE OF PUBLICATION

THIS IS TO CERTIFY, that the annexed advertisement was published in the NORTHEAST TIMES BOOSTER and the NORTHEAST TIMES REPORTER, weekly newspapers published in Baltimore County, Md., once in each of ______successive weeks, the first publication appearing

> NORTHEAST TIMES BOOSTER and the NORTHEAST TIMES REPORTER

MOTICE OF HEADERS

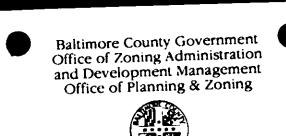
CERTIFICATE OF PUBLICATION

THIS IS TO CERTIFY, that the annexed advertisement was

published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of $\frac{1}{2}$ weeks, the first publication appearing on $\frac{1}{1}$, $\frac{19^{1}}{1}$

THE JEFFERSONIAN.

(410) 887-3353



111 West Chesapeake Avenue Towson, MD 21204

887-3353

December 12, 1991

Mr. Arthur R. Dickerson, Jr. 960 Martin Road

> RE: Item No. 216, Case No. 92-216-A Petitioner: Arthur R. Dickerson Petition for Residential Variance

Dear Mr. Dickerson:

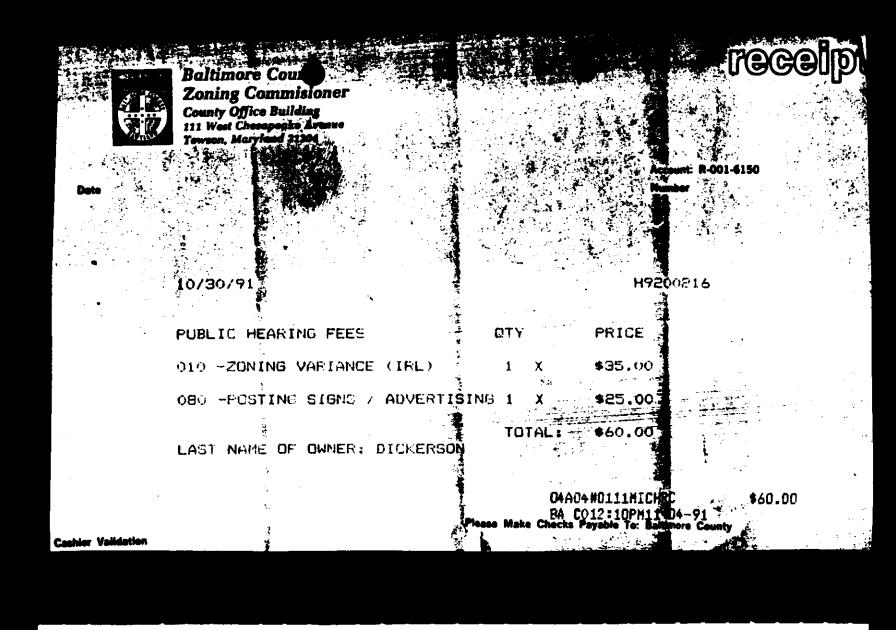
Baltimore, MD 21221

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments from each reviewing agency are not intended to assure that all parties, i.e. Zoning Commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

The Director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a review by Zoning personnel.





92-216

Account: R-001-6150

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Hease Neighborks Payable To: Baltimore County

Zoning Plans Advisory Committe Coments

 Anyone using this system should be fully aware that they are responsible for the accuracy and completeness of any such petition. All petitions filed in this manner will be reviewed and commented on by Zoning personnel prior to the hearing. In the event that the peition has not been filed correctly, there is always a possibility that another hearing will be required or the Zoning Commissioner will deny the petition due to errors or imcompleteness.

Attorneys and/or engineers who make appointments to file petitions on a regular basis and fail to keep the appointment without a 72 hour notice will be required to submit the appropriate filing fee at the time future appointments are made. Failure to keep these appointments without proper advance notice, i.e. 72 hours, will result in the loss of filing fee.

Zoning Plans Advisory Committee

Page 2

Enclosures

Baltimore County Government Office of Zoning Administration and Development Management Office of Planning & Zoning

111 West Chesapeake Avenue Towson, MD 21204

(410) 887-3353

Your petition has been received and accepted for filing this 12th day of November, 1991.

Petitioner: Arthur R. Dickerson Petitioner's Attorney:

111 West Chesapeake Avenue

Office of Planning & Zoning

Baltimore County Government Office of Zoning Administration and Development Management

887-3353

TATE: 1/20/42

Arthur R. Dickerson, Jr. #60 Martin Road Maltimore, Maryland 21221

Towson, MD 2120+

ASE NUMBER: 92-216-A N/S Martin Road, 160' E of c/l kenfrew Street 960 Martin Road 15th Election District - 5th Councilmanic Petitioner(s): Arthur R. Dickerson Dear Petitioner(s):

Please be advised that $\frac{$75.33}{}$ is due for advertising and posting of the above captioned

THIS FEE MUST BE PAID. ALSO, THE ZONING SIGN & POST SET(S) MUST BE RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT ISSUE. DO NOT REMOVE THE SIGN & POST SET(S) FROM THE PROPERTY UNTIL THE DAY OF THE

Please forward your check via return mail to the Zoning Office, County Office Building, 111 W. Chesapeake Avenue, Room 112, Towson, Maryland 21204. It should have your case number noted thereon and be made payable to Baltimore County, Maryland. In order to prevent delay of the issuance of proper credit and/or your Order, immediate attention to this matter is suggested.

ARNOLD JABLON DIRECTOR

Baltimore County Government Fire Department

700 East Joppa Road Suite 901 Towson, MD 21204 5500

NOVEMBER 25, 1991

(301) 887-4500

Arnold Jablon Director Zoning Administration and Development Management
Baltimore County Office Building Towson, MD 21204

RE: Property Owner: ARTHUR R. DICKERSON, JR.

#960 MARTIN ROAD Location:

Zoning Agenda: NOVEMBER 26, 1991 Item No.: 216

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

7. The Fire Prevention Bureau has no comments at this time.

REVIEWER: Planning Group Fire Prevention Bureau Special Inspection Division

Baltimore County Government Office of Zoning Administration

and Development Management
Office of Planning & Zoning

Please be advised that your Petition for Administrative Zoning Variance has been assigned the above case

1) Your property will be posted on or before December 1, 1991. The closing date is December 16, 1991. I) four property will be posted on or before becomes 1, 1991. The closing date is the deadline for a neighbor to file a formal request for a public hearing. After the

closing date, the file will be reviewed by the Zoning or Deputy Zoning Commissioner. At that time, an Order will issue. This Order may (a) grant the requested relief, (b) deny the requested relief, or (c) demand that

will issue. This order may (a) grant the requested relier, (b) deby the requested relier, or (c) demand that the matter be set in for a public hearing. You will receive written notification as to whether or not your

2) In cases requiring public hearing (whether due to a neighbor's formal request or by Order of the Commissioner), the property will be reposted and notice of the hearing will appear in two local newspapers.

3) Please be advised that you must return the sign and post to this office. They may be returned after

PLEASE UNDERSTAND THAT ON THE DATE AFTER THE POSTING PERIOD, THE PROCESS IS NOT COMPLETE. THE FILE MUST GO THROUGH FINAL REVIEW AND

PROCESS IS NOT COMPLETE. THE FILE MUST GO THROUGH FINAL REVIEW AND THE DECISION MAKING PROCESS. WHEN THE ORDER IS READY IT WILL BE FORWARDED TO YOU VIA FIRST CLASS MAIL. ORDERS ARE NOT AVAILABLE FOR DISTRIBUTION PRIOR TO BEING MAILED TO YOU.

number. Any contact made with this office should reference the case number. This letter also serves as a

N/S Martin Road, 160' E of c/l Runfrew Street

15th Election District - 5th Councilmonic

petition has been granted, denied, or will go to public hearing.

Charges related to the reposting and advertising are payable by the petitioner(s).

of receive of advised that you must return the sign and post will result in a \$50.00 charge.

refresher regarding the administrative process.

JP/KEK

111 West Chesapeake Avenue

Arthur R. Dickerson 960 Martin Road

Baltimore, Maryland 21221

Towson, MD 21204

BALTIMORE COUNTY ECONOMIC DEVELOPMENT COMMISSION

Memorandu

Julie Winiarski Office of Zoning Administration and Development Management

A. J. Haley, Acting Director C. 14 Economic Development Commission

Zoning Advisory Comments for Meeting of November 26, 1991

This office has no comment for items 216, 229, 230, 231, 232, or 234.

PETITIONER(S) SIGN-IN SHEET

PLEASE PRINT CLEARLY

887-3353

2612-92

ZONING OFFICE

92-216-4

BUREAU OF TRAFFIC ENGINEERING DEPARTMENT OF PUBLIC WORKS BALTIMORE COUNTY, MARYLAND

DATE: December 12, 1991

Mr. Arnold Jablon, Director Office of Zoning Administration and Development Management

Rahee J. Famili SUBJECT: Z.A.C. Comments

2.A.C. MEETING DATE: November 26, 1991

This office has no comments for item numbers 216, 229, 230, 231 and 234.

Traffic Engineer II

RJF/lvd

Baltimore County Government Office of Zoning Administration and Development Management Office of Planning & Zoning

111 West Chesapeake Avenue Towson, MD 21204

(410) 887-3353

Arthur R. Dickerson, Jr. 960 Martin Road Baltimore, Maryland 21221

January 6, 1992

Re: CASE NUMBER: 92-216-A

Dear Petitioners:

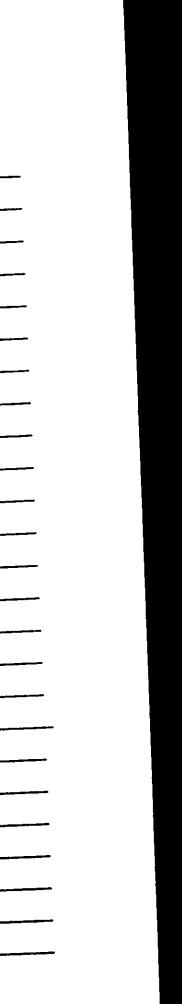
Please be informed that your file has been reviewed. The Commissioner's Office did not grant or deny the requested relief. Instead it was determined that this matter be set in for public hearing.

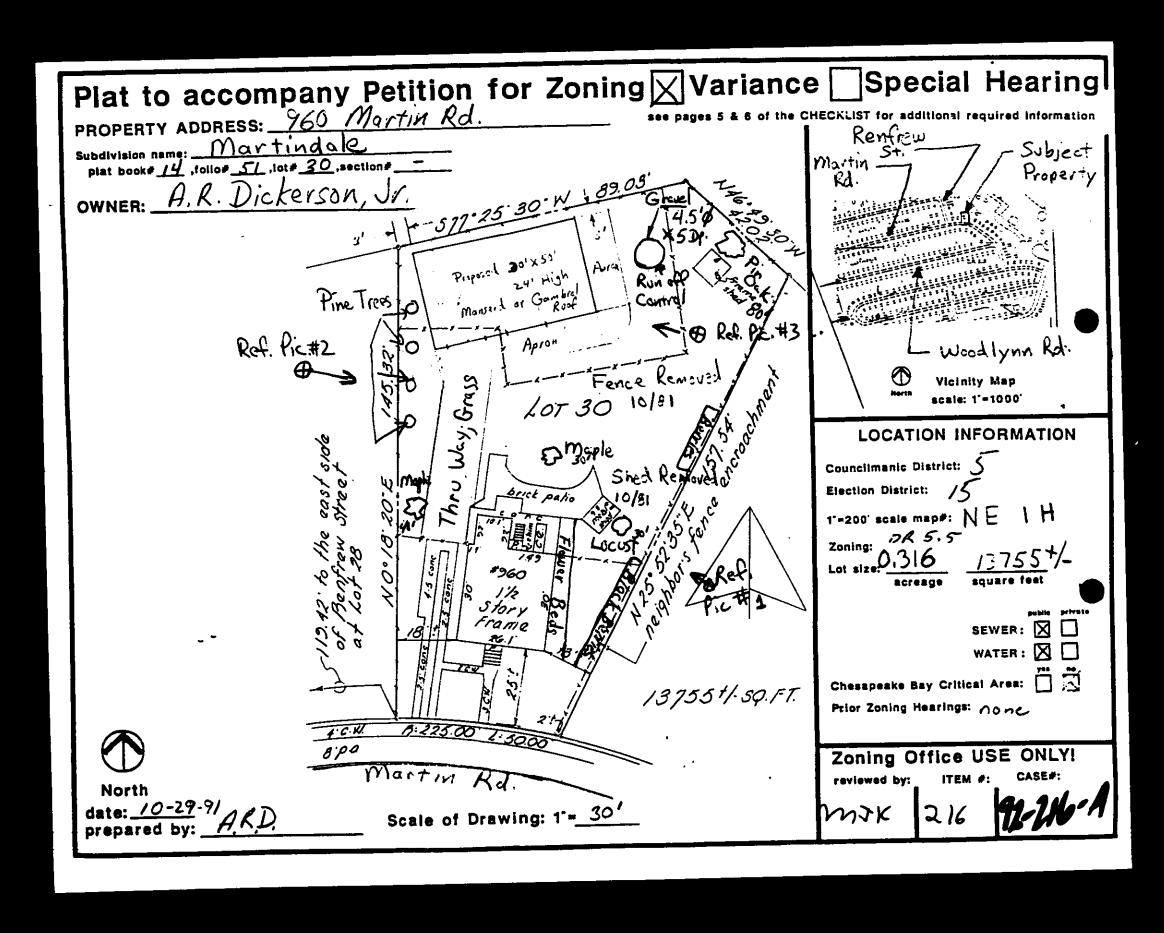
As you recall, it now becomes necessary to repost the property and run notice of the hearing in two local newspapers and that you will be billed for the repostig and advertising costs.

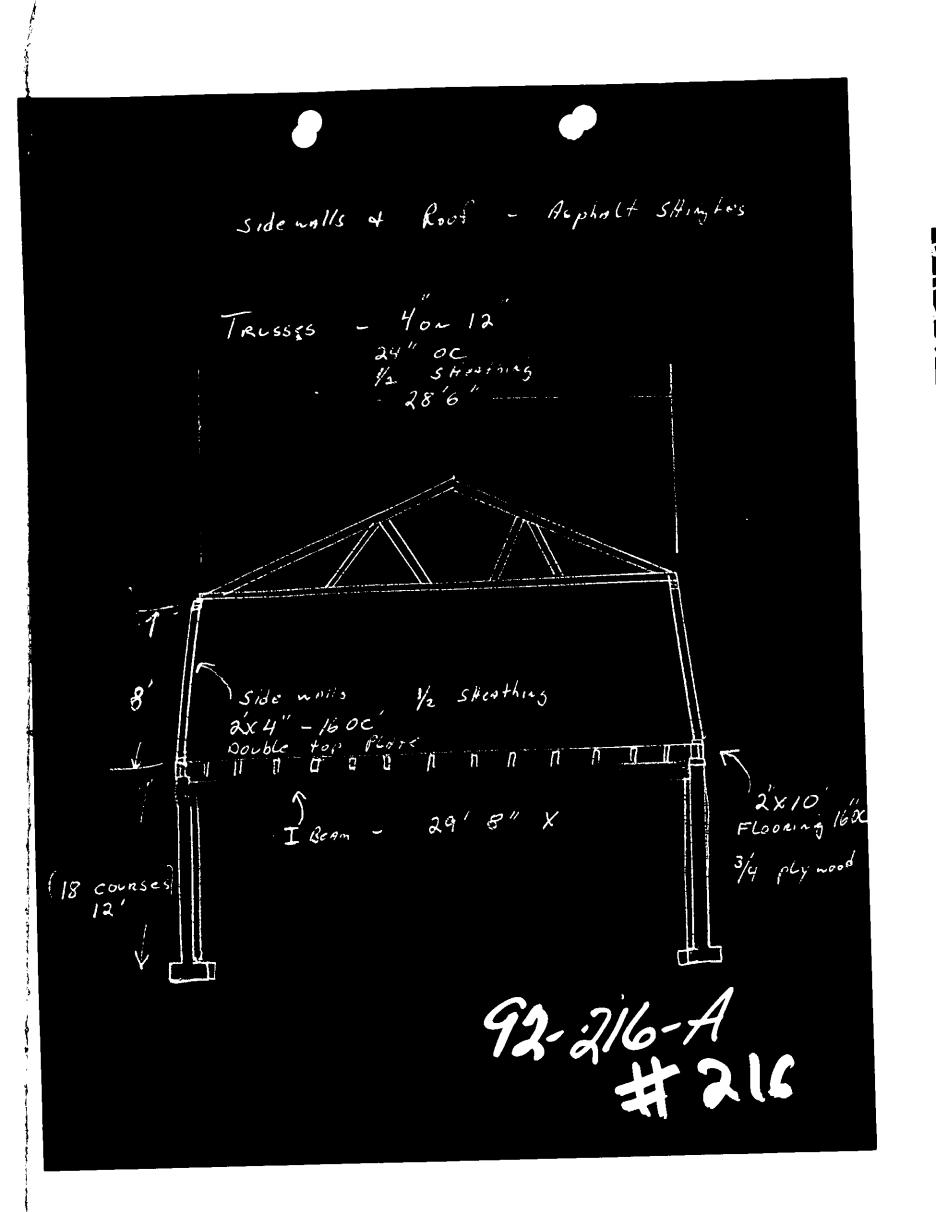
Formal notification of the hearing date will be forwarded to you

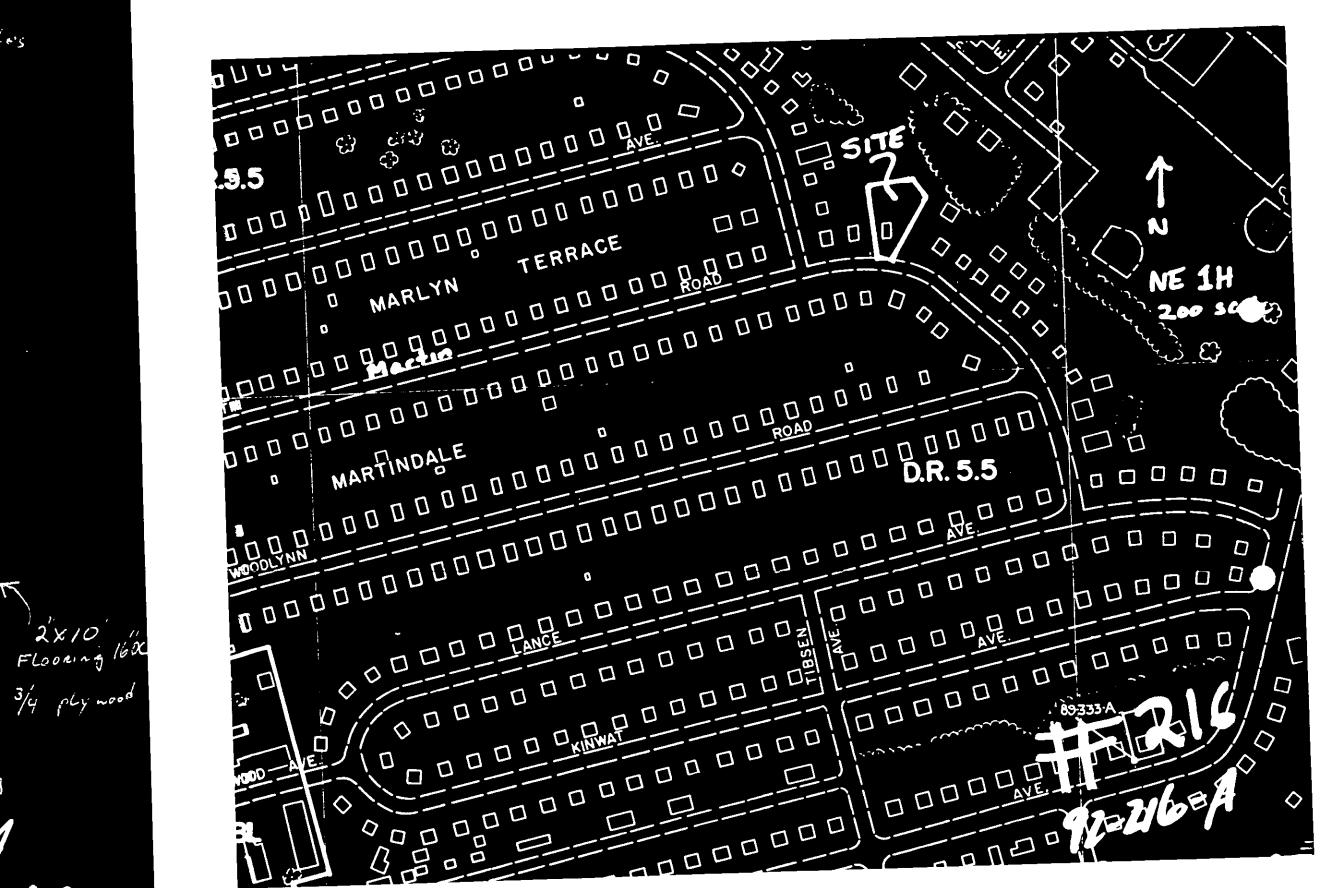
Very truly yours,

Zoning Commissioner of Baltimore County, Maryland









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